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The Oregon system at work

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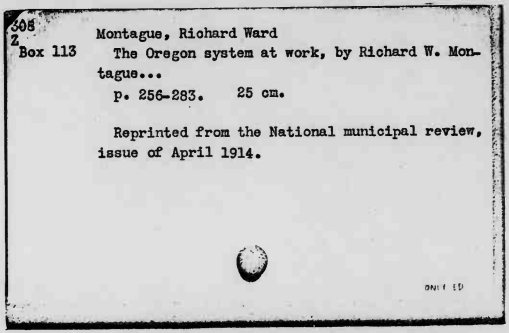
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THE OREGON SYSTEM AT WORK

BY RICHARD W. MONTAGUE

OF THE PORTLAND BAR

NATIONAL MUNICIPAL
GOVERNMENT

REPRINTED FROM
THE NATIONAL MUNICIPAL REVIEW
ISSUE OF APRIL, 1914

THE COMPOSITE VOTER

"The composite voter whose mind and purpose are portrayed by these votes appears to be one jealous of his own rights and privileges, as most men are; resolute to see his government actually, as well as theoretically, deriving its just powers from the consent of the governed, and to see politics clean and fair; desirous of improvement of his institutions; open to thoughtful advice, and mindful of well reasoned opinion as to the means of betterment, but averse to visionary innovations; reluctant to create new offices, and stingy with salaries to public officers, but yielding that point occasionally when involved with some higher good; nearly abreast of the best thought of the time in matters of social and industrial regulation, but lagging behind, and a bit muddled, in economics; and, until he reads the title clear of would-be spenders of the public money, saving with it to a fault."

THE OREGON SYSTEM AT WORK

By RICHARD W. MONTAGUE

[Reprinted from NATIONAL MUNICIPAL REVIEW, Vol. III, No. 2, April, 1914]

INTENTIONAL SECOND EXPOSURE

THE COMPOSITE VOTER

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July 13, 1923 Sent

THE OREGON SYSTEM AT WORK

By RICHARD W. MONTAGUE

[Reprinted from NATIONAL MUNICIPAL REVIEW, Vol. III, No. 2, April, 1914]

THE OREGON SYSTEM AT WORK

BY RICHARD W. MONTAGUE[1]
Portland, Oregon

IT IS the purpose of this paper to report some facts about the operation of the "Oregon System" in Oregon. Limitations of space make it impossible to relate all the relevant facts; the limitations of the writer make it impossible to select perfectly typical facts, to give them without color or bias, to exclude opinion. Certain pronounced opinions are, indeed, the efficient cause of this writing; nevertheless I will endeavor to extenuate nothing nor set down aught in malice, and to put the matter in such a way that anyone who is of a different mind may easily winnow the grain of his fact from the chaff of my opinion.

We have in Oregon not only (a) the initiative and referendum, as to state and municipal legislation, but (b) the direct primary, applying to state and municipal officers and as well to United States senators and presidential electors; (c) the recall against elective officers; (d) constitutional authority for proportional representation and the preferential ballot (the latter employed in our chief city); and (e) woman's suffrage. All these are sometimes included in a loose use of the term "Oregon System," which, indeed, has no precise meaning. Direct legislation, however, is the fruitful source, the *fons et origo* of all of them. As Senator Root has pointed out, it is the one institution of them all (except perhaps the recall) which is essentially an innovation, and as the most important and significant of our new experiments in government it deserves most of our attention.

Direct legislation has been exercised in Oregon since the adoption of the constitutional amendment authorizing it, in 1902, and more extensively, it is said, than in any other American state. The period is too short for anything like final or conclusive deductions; but not too short to furnish a preliminary test from observed results, which is more convincing and satisfactory than any from a *priori* theories, however well established. Let us see then what we can find out about how the initiative and referendum do work, in the place where they are most used.[2]

[1] Mr. Montague, who is a well known member of the Portland bar, has had a wider experience in the work of charter revision than any other person in the city, having been a member of commissions appointed in 1901, 1908, 1911 and 1913, to draft charter for the city. The charter adopted by the people of the city in April, 1913, was the work of the last named commission. He has been active in other branches of public affairs.

[2] Note.—As everyone now knows these two forms of direct legislation consist simply in the submission of a proposed law to the electors for their approval or disapproval. In the case of the referendum, the law is one already passed, usually by the legislature, sometimes by a constitutional convention,—and its taking effect is stayed pending the vote. In the case of the initiative, the law is one offered by private persons and the vote is the first determination upon it. In both cases the law is placed on the ballot on petition of a certain number of electors, in Oregon not less than 8 per cent for the initiative nor 5 for the referendum. Laws may also be referred by the legislature which passes them. In that case they go on the ballot without a petition, but are voted on in the same way as the others. There are material differences in the degree of disfavor with which the two are regarded by their critics, but they have coexisted in Oregon from the beginning, and I can perceive no difference in the treatment accorded by the voters to submissions of the two sorts. R. W. M.

One hundred and eight measures have been submitted to and passed upon by the electorate of Oregon since 1902. A detailed analysis of these measures and the votes on them would certainly furnish an instructive study in self government. Even the bare enumeration, which is about all that will be undertaken here, ought to throw some light upon—

1. The soundness and wisdom of the popular decisions on these measures.

2. The character and quality of the legislation thus enacted, not only as to its subjects, but as to its form and effectiveness.

3. The reaction upon the voters; whether the voting has tended to increase intelligent interest in public questions and the capacity for good citizenship.

4. The effect of popular legislation upon the work of representative legislators.

For the purpose of our survey I have divided these 108 measures into three classes, (A) political, or those chiefly concerned with the frame of government and its officers; (B) acts relating to taxation and appropriation or otherwise of an economic cast; and (C) acts primarily contemplating social and industrial regulation. The classification is merely for convenience and no inferences are based upon it.[3]

A. POLITICAL MEASURES

1. *Those Which Passed.* The measures called political, number forty-nine, of which twenty passed and twenty-nine failed. Some eleven of the successful acts may be regarded as integral parts of the "system." These, besides the original initiative and referendum amendment (1), are the direct primary law for state and municipal officers (3), an amendment prohibiting the adoption of constitutional amendments without submission to the people (9), two amendments giving the cities and towns

[3] Note.—Tables appended give the several measures under brief titles intended to express their central purpose, the total vote on each measure and the majority for or against it, and for comparison, some figures relating to the votes cast for officers at the same election. A like table is added for the votes upon measures in the city of Portland, to which only brief reference will be made in the text. Both are brought down to include the elections of 1913 barring a special election in the city in December.

The numbers in parenthesis in the following paragraphs refer to the numbers by which the respective measures are designated in these tables.

exclusive power to make their own charters and extending the right of direct legislation to municipal corporations generally (10 and 12), the recall amendment (28), an act (designed chiefly to express the "sense of the meeting") instructing legislators to elect for United States senator the candidate receiving the highest popular vote (29), the amendment authorizing proportional representation and the preferential ballot (30), the corrupt practices act (31), the law for presidential primaries (63), and perhaps the final adoption of woman's suffrage (67). With three exceptions, to be noted, these are all corollaries of the original purpose of increasing the direct control of the voters over their government—of making democracy more immediate. They are, therefore, bound up with the system, and to draw any conclusions as to the wisdom or unwisdom of popular legislation from their adoption would beg the question.

The three adverted to which are not quite clearly of this description are the corrupt practices act, proportional and preferential voting, and woman's suffrage. Of the first it is to be said that legislation limiting campaign expenditures by candidates and requiring a rigid accounting is approved by almost all thoughtful men nowadays. Proportional and preferential voting are interesting attempts to correct defects in the plurality system, which bring about glaring inequalities, and there is a good deal of high authority in their favor. It is true, I think, of the "people's law" generally that it tends to follow the conclusions of writers and students more willingly than the opinion of the practical politician, to savor rather of the college than of the caucus. The adoption of woman's suffrage after many defeats appears to have been due to the general ground swell of democratic feeling, and (in Oregon at least) to be "manifest destiny."

The other measures which were passed include two (4 and 11) designed to retrieve an early and unfortunate constitutional provision which intrenched the state printer's office beyond control of the legislature over its emoluments (which in the course of time had become grossly excessive); another permitting state institutions to be located elsewhere than at the capital on a favorable vote of the people of the whole state (17), which is a pretty good compromise between the loss of convenience and advantage arising from the inability to place any of them in desirable situations elsewhere, on the one hand, and the vicious logrolling which results when the legislature has the power to make distribution of such "plums," on the other. It had outcome in a subsequent act (36) locating a branch insane asylum in a part of the state where expert opinion held it should be placed on climatic and other valid medical reasons. A law changing the date of the general election from June to November (19) was a measure of convenience on which the voters might naturally be supposed to know their own advantage best. One giving custody of the county prisoners to the sheriff rather than to the county court (20)

settled a minor matter of county policy in a way which appears to the writer to have been a mistake, although there was a good deal to be said for it. A law proposed and passed under the initiative taking the power of indictment away from the district attorney, where the legislature had lodged it some years before, and restoring it exclusively to the grand jury (33) was in accordance with the best legal opinion in the state, conservative as well as other, and the favorable vote on it was thought to show a sound popular instinct. Finally, an extensive revision of the outgrown and archaic judiciary article of the state constitution (66) made it possible to enlarge and reorganize the supreme court, which had become necessary. The measure contained other provisions, such as the power to find a verdict in civil cases by three fourths of the jury; authority to the district attorney to amend an indictment held defective in mere matters of form; authority in the supreme court to affirm a judgment, notwithstanding technical errors, when it is of opinion on the whole record that the judgment of the court below was such as should have been rendered, and to render its own judgment in certain cases where it had previously been obliged to remand the case to the court below for a new trial though the proper judgment was plain. The amendment has been severely criticised on other grounds, chiefly that declaring the verdict of a jury conclusive, but the provisions first cited go far to recommend it in the minds of those who believe that reform in legal procedure is really desirable. An act substituting county for district attorneys (107) was approved on referendum in November, 1913, at an election called by the legislature for the express purpose of considering acts of the session of that year which should be referred. Except for the district attorneys, whose powers were curtailed by it, the consensus of instructed opinion appeared to favor this act.

2. *Those Defeated.* Of the measures of this sort defeated, woman's suffrage on its hard way to final success accounts for three (6, 24, 35); two (16, 42) are for increase of pay of officers, the invariable defeat of which will be commented on later. Three, of which one (18) was for increasing the number of judges of the supreme court, one creating the rather desirable office of lieutenant governor (68), and one the absurd position of hotel inspector (81), ran foul of a similar popular dislike of increasing the number of offices. The necessary increase of the supreme bench was, however, given later by the judiciary amendment previously mentioned. The defeat of two acts (72, 77) requiring a majority of all the votes cast at the election (instead of a majority of those cast on the particular measure) to carry respectively constitutional amendments and initiative laws, and of an act calling a constitutional convention (37), which was generally believed to mask an attack on the initiative and referendum, bespeak the strong popular attachment to the institution in its present form. Two acts, providing for the creation of new counties

and consolidation of cities, etc., by general law (61, 90), suffered the same defeat which had been meted out to nine separate measures creating new counties or changing the boundaries of old ones (43, 45, 46, 47, 51, 54, 60, 75). The defeat of these last was apparently on the ground that they made an unnecessary increase in the officiary, though their sponsors stoutly insisted the contrary. One such act (34), where the propriety and convenience of the new county (comprising the celebrated Hood River Valley) was generally recognized, had previously passed by the popular vote, though forces had always been gathered to defeat it in the legislature. Some general law for the creation and division of counties is at least theoretically desirable, but it is difficult to say that the objections against the particular drafts offered were not well taken. Another law which failed sought to anticipate the time fixed by the legislature for reform of the state printer's office (80), and was suspected of having a pretty strong personal animus. The voters had declared emphatically in favor of the reform, but objected to having it visited as a punishment on the incumbent for the time being. The proposed abolition of capital punishment (99) failed, notwithstanding an earnest campaign in its behalf by persons high in popular esteem, including the governor of the state. Something of Hebrew wrath still inheres in the public conception of punishment.

There remains a group of measures (38, 64, 65, 97) offered at three different elections, mostly initiated and advocated by the People's Power League, of which Mr. U'Ren, the protagonist of the "system," is the moving spirit. These measures proposed modifications of the state government of varying extent and degree, from a mere redistricting of the legislature to a complete new form of public administration, somewhat on the English Cabinet plan, though with some features which seemed entirely novel. It might have been—in fact was—thought that the eagerness of the people for a change and the authority of Mr. U'Ren and his associates would be enough to carry these measures. Opponents of the "system" were fond of saying that "the legislature of Oregon was now under Mr. U'Ren's hat." They still repeat the saying, but the defeat of these and others of his favorite measures gives it a rather hollow sound.

B. ECONOMIC MEASURES

1. *Taxation.* Turning to the acts classified as economic, some fourteen deal with taxation. The levy of a gross income tax on such corporations as sleeping car, oil, express and telephone companies (14, 15) and the passage of a constitutional amendment authorizing an income tax (91) are what might naturally be expected of a plebiscite. Oddly enough, however, the last was defeated, though by the narrowest of majorities.

The most notable feature of the legislation on this subject has been the single tax fight, which has been waged very earnestly since 1908. In that year an amendment to provide the single tax under the rather tempting title of "An act to exempt improvements, tools, livestock, and furniture from taxation" (27) failed to pass. In 1910 an act did carry which gave to counties the power to adopt single tax methods of assessment (48). Encouraged by this partial victory the single taxers gathered all their forces for a final attack on the citadel of conservatism in 1912, when a bill for statewide single tax (98) was initiated and most vigorously advocated. Mr. U'Ren brought to it all the strength of his gentle, but indomitable personality. Most of the other ardent radicals and reformers of the state rallied to its support. The campaign was adequately financed from the Fels fund, and fairly held the center of the stage. The other side did not lack funds or speakers, though to some quite impartial observers it seemed that their case was much less ably presented. The result was a crushing defeat for the measure, 82,015 against to 31,534 for. The act giving counties the option to adopt the single tax was repealed in the same year (71). More moderate tax reformers also met defeat at these elections when bills abolishing the "equal and uniform" taxation clause (39), providing for different rates on different classes of property (41, 70), divorce of local and state taxation (69), and exemption of moneys and credits (93) failed to pass, as did also a proposed revision of the inheritance tax laws (94). Several of these measures had been prepared by the state tax commission in the hope of finding some escape from the hampering limitations and ineffectiveness of the general property tax in the mold which judicial decisions have cast for it. But the economists of the ballot box had not grown up to them, and we still wear our strait jacket. An exemption of a moderate amount on household goods (92) did pass.

2. *University Appropriations.* Of the other economic measures, the most important are the referendums on the appropriations for the state university, which the legislature after many years of parsimony had just begun to make liberal. The first referendum (5) in 1906 was an unsuccessful effort to defeat the entire appropriation. In 1908 an act increasing the annual appropriation (23) was carried, though the majority was not large. In 1912 the issue was made on the ground that the two state institutions, the university and the agricultural college, ought to be consolidated, and that no permanent improvements should be made until they were. Referendums were brought on two acts (102, 103) making appropriations for permanent improvements, and for enlargements of the work of the school, leaving unaffected the regular annual appropriation which had been approved in 1908 (23 above). These two acts, together with an initiative measure (76) intended as an alternative, by way of compromise, were defeated and the enlarged appropriation failed. But

the supporters of the university still believed that the question had not been fairly tried out, and the legislature in 1913 again provided for extensive permanent improvements for the institution, with the knowledge that referendums would be called upon them, and made express provision for an election in November, 1913, to pass upon the matter. The referendum petitions were filed and after a very spirited and thorough campaign the two appropriations carried (104, 105). The result of the long agitation is believed to have intrenched the university impregnably in the public esteem and to have opened the way for its future expansion and success.

3. *Generally.* The voters have declined such opportunities as have been offered them for public ownership; namely, of a toll-road (8), and a railroad to be built into what was then said to be the largest unoccupied territory in the United States, since invaded by two railroads (40). They also refused to approve a state appropriation to build armories (22), the labor unions, no doubt, contributing to its defeat, and selected only one out of three struggling state normal schools for permanent support (44, 53, 55). The other measures in this category are a hopeless tangle of "good roads" legislation (62, 78, 79, 86, 87, 88, 89, 96), the result of a great deal of agitation by the different interests, roughly classified as the grange and the users of automobiles. Out of the welter there emerged a constitutional amendment which gave the legislature mandate for the passage of a consistent and workable scheme for highway improvement, and this was accomplished at the next session. It is worthy of remark that the successful measures rather purported to limit than enlarge the powers of borrowing money by state or minor subdivision. Whatever else is to be said about the soundness of votes of the people on matters of public expenditure they bring to naught the prophecy that the "rabble" would seize upon every chance to vote away the taxpayers' money. The direct contrary is true—the propriety of every expenditure voted on must be proved up to the hilt, and even when it is, want of confidence in the agents who have the spending of the money is liable to be fatal.

C. SOCIAL AND INDUSTRIAL REGULATIONS

1. *Intoxicating Liquors.* Some measures in the class of social and industrial regulation complete our catalog. The first fruit of the initiative was a stringent local option liquor law (2). An amendment frankly seeking to put the liquor sellers on something like equal terms with their opponents (7) failed at the next election. Again the liquor element attempted, this time by a very craftily prepared and plausibly entitled measure (26), to get a little more liberty, but the riddle of the title was readily solved and the bill went the way of its predecessor. A modification giving some degree of control of the traffic by cities and towns, subject to the local law (49), did pass, however. Then the prohibitionists,

encouraged by the emphatic expressions of the popular desire to limit the traffic and by the extensive adoption of local prohibition in various districts throughout the states, offered two measures for statewide prohibition (56, 57), only to meet with defeat as decisive as the victory for local option. The total result, I apprehend, is not materially other than if the National Municipal League or any other body of sane and moderate reformers had been casting the vote. A bill prohibiting the acceptance of railroad passes by state officers (13) carried, and an absurd proposal to require railroads to pass free all officers traveling on state business (21) failed.

2. *Protection of Salmon.* In 1908 were submitted the bills for the regulation of the salmon industry (25, 32), which have served every writer opposed to popular legislation for his dreadful example. The majority which is so roundly denounced by these critics as ignorant and stupid included the writer and most of the thoughtful men of his acquaintance. Whether we or our critics are most foolish the reader must judge. Here are the facts: Salmon fishing in Oregon is a business of great economic importance. The fishers and canners are divided into two hostile camps, the down-stream gill-netters and seiners, and the up-river wheel fishers. Between them they were rapidly and surely exterminating the fish, but each mustered force enough in the legislature every session to block any effective regulation of its form of destruction. At length it became evident that something must be done or the industry would go to ruin. In this juncture each camp betook itself to the initiative and presented a bill relegating the other's style of fishing out of existence.

"How are you going to vote on these salmon bills?" said a shrewd friend of mine (a conservative of the straitest sect, by the way), discussing the pending bills before the election, as we are wont to do.

"Why, 'No' on both; they would stop the business entirely."

"Wrong, as usual," he said, "the boys are going to pass 'em both and see if we can't bring these gentlemen to their milk."

Accordingly the boys wrote on their ballots "a plague o' both your houses" by a handsome majority, and at the ensuing session of the legislature a meek and chastened salmon lobby welcomed a bill conforming to the recommendations of the state conservation commission, which at last afforded a little real protection to a noble fish and a failing industry. I submit that a little more of this kind of ignorance and stupidity earlier applied would have been better than the wisdom of the captains of industry.

3. *Various Regulations.* Other acts of this class which passed are an employer's liability law (50), designed to diminish the frightful toll of life and limb exacted by modern industry when uncontrolled, a law imposing double liability on bank stockholders (73), a law for statewide regulation of public utilities (74), one limiting the hours of labor on pub-

lic works to eight (82), and two laws prohibiting the exploitation of the work of convicts by private contractors and providing for their employment on public roads (84, 45). At the 1913 election a carefully drafted workmen's compensation act (108), prepared by a committee containing representatives of employers and laborers as well as of the public, was referred and passed by a very large majority. A statute (58) creating a commission to draft such a law had been defeated previously, probably because the commission was not considered to be fairly representative of the laboring element. The whole series looks very much like the program of a club of social reformers. Laws which have less to recommend them than these are one prohibiting commercial fishing in a river of southern Oregon (59), and one attempting to regulate freight rates, since held unconstitutional by the courts (95). A "Blue Sky" law, attempting to regulate the sale of securities by corporations (83), also failed for reasons which are not readily apparent, though the unsatisfactory working of a law of the same sort afterwards passed by the legislature may excuse it. The defeat of measures prohibiting boycotting (100) and giving to the mayors of towns control of public speaking in the street would be (101) approved or not according to the standpoint of the observer. They show at any rate that the general public inclines to the English method of letting anyone talk anywhere, anytime. At the 1913 election a bill providing for the "sterilization" of habitual criminals, moral degenerates, and sexual perverts (106) was defeated. It was opposed by the officers of the state board of health, and there was a general feeling that the subject was not yet ripe for positive enactments.

DIRECT LEGISLATION IN THE CITY OF PORTLAND

Concerning the 129 measures passed upon by the voters of the city of Portland since their first exercise of the right of direct legislation in 1905, only a few general observations can be made. The votes show by a painful wealth of example that the voters approve of pitifully inadequate salaries for their public officers. It must be confessed, however, that they have not been put to the touch in the case of any really commanding personality, and they may merely have been of the mind of Huck Finn about the minister who he said "preached for nothing and he guessed it was worth it." Moreover, they did approve, by a narrow majority, a city charter which bestowed upon the mayor and commissioners the highest salaries ever paid by any local government in the state. It further appears that they are not avid of municipal ownership, but scan keenly the propositions of that sort submitted to them; that they still believe in competition in public utilities; that they are exceeding cautious in the appropriation of public funds, especially when their confidence in the administration which has to do the spending is not complete. Yet they have approved of considerable expenditures for public docks and bridges, sometimes for parks, for garbage-destroying plants; and for a public auditorium. They showed admirable sobriety and restraint in refusing—notwithstanding a good deal of provocation—to vote for the forfeiture of two street franchises held by not excessively popular corporations, and they threaded their way through a mass of complicated charter amendments at various times with sense and discretion. The Taxpayers League of Portland, an association of large taxpayers, has for years made recommendations to their members after investigations by their committees concerning the measures to be voted on. The league is dominated by men who though rich are intelligent and progressive, and touched with a feeling for the public rights and public service. It certainly is a high tribute, both to their wisdom and that of the common people, that in fully 75 per cent of the cases their recommendations have agreed with the popular decision. Many of the differences have been in cases of expenditure which they approved and the electors did not.

THE COMPOSITE VOTER

The composite voter whose mind and purpose are portrayed by these votes appears to be one jealous of his own rights and privileges, as most men are; resolute to see his government actually, as well as theoretically, deriving its just powers from the consent of the governed, and to see politics clean and fair; desirous of improvement of his institutions; open to thoughtful advice, and mindful of well reasoned opinion as to the means of betterment, but averse to visionary innovations; reluctant to create new offices, and stingy with salaries to public officers, but yielding that point occasionally when involved with some higher good; nearly abreast of the best thought of the time in matters of social and industrial regulation, but lagging behind, and a bit muddled, in economics; and, until he reads the title clear of would-be spenders of the public money, saving with it to a fault.

CHARACTER OF LEGISLATION ENACTED

So much for the wisdom of the voters' decisions on questions put before them. It is certainly true that some of these measures ought not to have been brought up at all; that fanatics and self-seekers sometimes get their schemes before the people and cumber the ballot with them. This is not a phenomenon previously unknown in the history of legislation, as some comments assume. The trouble is in a fair way to remedy itself. The increasing reluctance of thoughtful voters to sign petitions and the very uncertain reward for the labor and expense necessary to get a bill on the ballot operate as a pretty strong deterrent, and, furthermore, nothing so perfectly "squelches" foolish agitation as a huge majority against its plans at the polls.

A consideration of the subjects of the measures submitted to the people

in Oregon tends, I think, to disprove Senator Root's argument against the initiative and referendum, that the true difficulty of wise legislation is not to determine what ought to be accomplished but to determine how to accomplish it. Decidedly the majority of the contests over those measures have been on the very question as to what ought to be accomplished; for the purpose of determining what broad policy of legislation the state shall be committed to, not what methods are efficacious; and most of the decisions have been in one way or another significant for future law-making.

The quality of the bills passed is a matter upon which it is impossible to adduce within reasonable limits any evidence other than individual judgment. This shall be my apology for offering my personal opinion, based upon an examination of all the general laws of Oregon in force in 1910, in pursuance of the duty of compiling the official publication of the statutes, made under public authority in that year, that in all that pertains to the technique of draftsmanship, legislation passed under the initiative is markedly superior to the average of the statutes passed by the legislature. This superiority is not inherent, of course, but results naturally from the fact that these laws have mostly been drafted by a rather large committee of persons having a lively interest in the matter in hand and some practical knowledge of it, besides what knowledge they may have of the general requirements of legislation; and that the framers were aware that their measure once launched must go as it is, for better or worse.

The technical part of a legislator's work—the mere framing of a law in such a way that it may possibly accomplish what it is intended to do—is done with such incredible badness in at least one American state that anything which promises improvement in it ought to be hailed with glad acclaim. I have heard more than one member of the legislature declare, as the press and tumult of the session began to distract him, that he believed the initiative method with its prolonged and searching discussions during the campaign before the voters was a better way to make laws than that which he was attempting to practice.

EFFECT UPON THE VOTERS

The question of how the practice of direct legislation affects the voter is perhaps the most important of any we have to consider. Clearly the voters of Oregon take a considerable interest in the exercise of the franchise, which is increasing as the importance of their determinations becomes manifest. For some time before an election discussion of measures to be voted on is rife on the street, in conversation among friends, everywhere. It is part of the regular program in grange halls and labor union councils, and to some extent in clubs and associations of every sort. The newspapers are full of it. The pamphlets published by the state

and distributed to every voter, wherein arguments pro and con are set forth, are seen almost like autumn leaves in Vallombrosa. The discussion even invades those circles where the "tired business man" myth, and the indifference of the ordinary successful American to everything but putting money in his purse and spending it, combine against it. The causes which have made the ordinary routine of election meetings and speeches mere sound and fury, signifying nothing, have not thus far prevailed against it. I have been present at a noon meeting of a club where a hundred or two men came and listened closely to a speaker who had been invited to discuss the bills to be voted on, and the same week have attended a political meeting where the same man (who happened to be a candidate for the legislature) appeared to present his candidacy at a regular party meeting, pretty well advertised, and was greeted by an audience of less than a dozen all told, including the other candidates and the faithful camp followers. The incident is not unusual, but ordinary and typical. It is not that more people vote upon the measures than upon the candidates—they do not, as the tables show—nor that more are interested in them; but advocacy of the multifarious candidates, who appear at every election seeking the suffrages of the voters, has become so discharged of any genuine sincerity or reality that no one cares to hear it, while the talk about pending measures is apt to be earnest, candid, and well informed.

As a matter of fact it is much easier and requires much less knowledge and acumen to determine whether a proposed measure is what one wants to vote for than to make an equally well advised decision about a candidate. It is easier to tell whether the general purpose and intent of a measure is acceptable or not, and a month or two of hostile criticism—the only true test—is pretty likely to disclose any serious defects in detail. On the other hand the public is notoriously subject to be deceived as to the genuineness of a man's professions. What a man really represents is known only to him and his Maker, and his future conduct in detail under new and untried conditions is past finding out.

The arguments resorted to are of all sorts, some on high grounds, in good temper and forcibly put, some spiteful, silly, dishonest; very likely all of them have effect with somebody. If good arguments cannot on a fair trial prevail over bad, then government by discussion is hopeless and civilization in imminent peril. The educative effect of the discussion of a matter of public interest, generally participated in, with audience for everybody who has anything to say and with everybody who cares to think about it having a voice in the result, followed by a sound decision, simply cannot be exaggerated. It removes the ultimate ground of complaint from the mouth of discontent and brings the responsibility for the state of law home to the will and intelligence of every voter.

The number of ballots cast on any one measure is usually less than the

total vote cast for the candidates for the office in which the voters are most interested at the same election. The average, state and city, is 85 per cent of the average vote for officers. It has been suggested that this, at worst, results only in a kind of natural selection of the intelligent and interested—an oligarchy of the thoughtful, which some believe to be the goal of politics. A spirited discussion was carried on at the time of the last charter campaign in Portland as to the duty of voters in respect of the measures upon which they were not informed. The weight of opinion inclined to the view that as to measures of the proper sort to be submitted the uniformed elector should abstain from voting. No practical bad results from the deficiency of the vote on measures have been pointed out, though the possibilities imagined have been many and dire. This problem is merely a phase of the much larger one of the want of intelligent interest in politics, and will have to abide the solution of that for its settlement.

EFFECT OF DIRECT UPON REPRESENTATIVE LEGISLATION

The effect of direct upon representative legislation, it would be presumptuous to appraise. It is certain that some excellent laws passed by the legislature in the last few years have been prepared in the same way and to some extent by the same elements as the initiative measures and presented to the legislature with the distinct understanding that if they were not acted upon by it they would be presented to the voters under the initiative. It is also pretty clear that since the referendum loomed in the background legislation has been more responsive to the public will, but it is most emphatically true that no sober person thinks that the legislature will be superseded or its functions seriously curtailed by direct legislation. While 108 measures have been submitted to the people and about 49 passed, the legislature has considered 4,439 bills and passed not less than 1,624, and the number is constantly increasing. These figures ought to lay that ghost without any further incantations.

THE DIRECT PRIMARY

The direct primary law, as we have it, embodies a simple and innocent seeming device which brought about the direct election of United States senators in Oregon without any appeal to federal legislation. This device was merely a statutory permission to the candidate for the legislature to make on the ballot a statement (Statement No. 1) to the effect that he would, if elected, cast his vote for the candidate for United States senator having the largest popular vote; provision for taking that vote at the primaries being duly made. The candidate also had express permission to say that he would not be bound by the popular vote, and implied permission to say nothing at all. The leaders of the majority party viewed this plan with contemptuous amusement, which gradually

changed to wrath when they discovered in the course of a few elections that every insurgent candidate "took the statement" and most of them were thereupon elected, and that presently the regular candidates had to "take the statement" or face almost certain defeat. Later a candidate for United States senator, a nominee of the minority party, received a popular majority over the candidate favored by the majority of the legislature, which was pledged to carry out the people's decision. When the party leaders found that the men who had solemnly taken a public pledge to do a specific and particular thing could hardly be induced to brand themselves as liars by not doing it, and when they had to stand by and witness the heartrending spectacle of a legislature of one political name electing a United States senator of another, for no better reason than that the people of the state had so voted, their cup of bitterness overflowed and the air was filled with lamentations.

But passing by these notable accomplishments and some other curious and unexpected workings of our direct primary the candid observer must admit that in the main it has not given a good account of itself. The critical question about a system of nominating candidates is what kind of nominations does it produce, and herein the direct primary in Oregon has not registered anything like success. The larger and more important nominations have usually been pretty much the same as the old conventions would have made. For the less important and less sought offices the nominations have often been bad, sometimes intolerably bad; sometimes worse, I think, than any convention that ever sat in Oregon would have suffered. Good nominations are often made by the direct primary of course, but it is very hard to maintain in the face of the facts that they are on the whole better or occur oftener, or that the method has proved an effective way of securing good candidates.

THE RECALL

There has not been much experience with the working of the recall in Oregon. In two cases it has been applied to the county administrative board. In both cases it is probable that the officers had made mistakes which would have justified their defeat at an election; whether they deserved a peremptory ouster is not so clear. It should be explained that both of these recalls affected the county judge, who is judge of probate and has a minor civil jurisdiction, but that his judicial conduct was not in question. His important function is as head of the county commissioners, the business officers of the county, and it was in respect of this that he was recalled. Except for these none but municipal officers have been recalled.

Negative evidence of some value is not wanting here, however. Two attempts have been made to recall judges of the circuit court. Both occurred under circumstances that writers on the subject of judicial

recall have pointed to as constituting the greatest dangers to the independence of the judiciary, and consequently to free institutions; namely, an unpopular decision or the appearance of taking an unpopular position by the judge, on an issue in which the public has a lively interest, and a strong and unscrupulous party or faction ready to urge its cause against the judge. In both these instances the promoters of the recall were unable, after long and energetic attempts, to so much as secure the necessary signers to the petitions to set the recall machinery in action, and both attempts died an ignoble death, unwept, unhonored, and until now, unsung. If they do not adorn the tale they may serve to point the moral, that so far as the evidence is in, it is perfectly safe to trust a normal American electorate with a weapon even as dangerous as this one. It seems clear to me that the independence of the judiciary is better assured by the complete breakdown of these two attempts against it than it could possibly be if the power had not existed to replace the judges. Sooner or later, directly or indirectly, judges must owe their tenure to the people. No length of term can so well establish the safety of a judge in doing his duty without fear or favor as the clear and plain assurance from the ultimate source of his authority that he has nothing to fear while he does so. I am not urging the adoption of the judicial recall anywhere else, nor defending it on principle here. I only insist that the evidence in Oregon, as far as it goes, is directly opposed to the fears and predictions of those who have been alarmed about it as an attack on the basis of our institutions.

PREFERENTIAL BALLOT

A few words on the workings of the preferential ballot first adopted this year. The new charter of the city of Portland provides for making nominations by the filing of a relatively small number of individual certificates, the method being designed to make the nomination exceedingly easy. At the election each voter is allowed to indicate among the candidates thus nominated a first, second, and third choice for each office, no two choices to be for the same candidate, however. If no one has a clear majority of first choice votes second choices are added; if no one then has a majority the third choice votes are counted in. At the election held in June, 1913, only a few weeks after the charter was adopted, there were some 87 candidates for the four commissioners to be elected. They included, along with a modicum of very good men, about every species of undesirable, from strong and experienced machine politicians to saloon hangers-on and ticket-takers at five-cent "movies." A voluntary committee of citizens published candid and impartial biographies of them all, and late in the campaign, in response to an urgent popular demand, indicated the twelve whom they considered the best. The twelve were all excellent men, but only one of them received enough

first choice votes to have elected him if the old plurality system had been working, and under that method the men elected to the new commission would have been no whit better than the ordinary type of councilmen from whom our cities have suffered so long and so grievously. But by use of the second and third choice votes the tables were turned. The candidates elected were all from among the twelve named by the committee, and by the consensus of intelligent opinion among the very best of them. The new plan accomplished exactly what its advocates had claimed. It focused upon the best men the suffrages of the great mass of voters who want nothing but good government. No system of elimination primaries has succeeded so well in bringing the unorganized mass of voters to concentrate on a single candidate; a thing which the professional politician with his better organization and better discipline can always do. It is too early to predict that the brilliant success achieved in this election will be permanent, but as explaining it in part I may quote the naive comment of a voter who said to me a few days after the election, "This new way is just what I have always wanted. You see a fellow really *has* to give a vote to his personal friends or to the men who have done something for him, but he can do that with his first choice vote, and these second and third choice votes, I figure they belong to the city."

The tale of Oregon's experience in self government may be dull enough in the telling; it has not been so in the living. It has been alive with the energies of struggle, shot through with humor, strong with constancy of purpose, sustained by the lift of great and grave hopes. We have been groping our way in no spirit of rash innovation nor unreasoning anger, but with a deep sense of the perfectibility as well as of the imperfections of our political institutions, toward that goal of "government of the people, for the people, and by the people" to which generous hearts have aspired in all ages, and we dare to hope our blind and stumbling feet are set on the path where is found the safety of this Republic and the future of democracy itself.

STATE OF OREGON

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
1902				
1. Initiative and referendum amendment to constitution	67,692	78.5	56,356	
Average vote cast for six state officers and congressmen, 86,175; highest (secretary of state), 88,704; lowest (attorney general), 82,838; total electors voting, 92,920.				
1904				
2. Local option liquor law	83,514	92.2	3,118	
3. Direct primary election law	72,559	80.1	39,851	
4. Amendment permitting regulation of office of state printer	59,365	65.5	31,303	

Average vote cast for presidential electors, congressmen, dairy and food commissioner and justice of supreme court, 90,559; highest (congressmen), 93,906; lowest (dairy and food commissioner), 84,569; total number of electors voting, 99,315.

1906

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
5. Referendum on appropriation for state colleges, asylums, etc.	70,676	78.2	17,160	
6. Equal suffrage amendment	83,977	92.9		10,173
7. Amendment of local option law to give anti-prohibitionists equal privileges	80,441	89.		9,847
8. To provide for state ownership of toll road across Cascades	76,052	84.1		13,002
9. Applying referendum to all laws for constitutional amendments or constitutional conventions	66,412	73.4	28,910	
10. To grant cities and towns exclusive power to enact and amend their charters	72,419	80.1	32,715	
11 To permit state printers' pay to be regulated by law	73,320	81.1	54,178	
12. To provide for initiative and referendum on local and special laws and parts of laws	64,413	71.2	30,943	
13. To prohibit the use of free passes by public officers	74,060	81.9	40,502	
14. To levy gross earnings taxes on sleeping car, refrigerator car and oil companies	76,076	84.1	63,194	
15. To levy gross earnings taxes on express, telegraph and telephone companies	77,232	85.4	64,512	

Average vote for eight state officers, congressmen and United States senators, 90,377; highest (governor), 96,715; lowest (labor commissioner), 80,132; total number of electors voting, 99,445.

1908

16. To increase pay of legislators	88,583	83.8		49,201
17. To permit state institutions to be located elsewhere than at capital on vote of the people	82,843	78.3	1,107	
18. To increase number of justices of supreme court, etc.	80,834	76.5		20,348
19. To change time of elections from June to November	84,318	79.7	47,138	
20. To give custody of county prisoners to sheriff, fixing the price of meals of prisoners	90,476	85.6	30,410	

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
21. To require railroads to transport state and county officers free	88,262	83.5		30,550
22. To appropriate $100,000 to build armories for national guard	88,355	83.6		21,341
23. To increase annual appropriation for state university	84,650	80.1	3,580	
24. To grant woman suffrage	95,528	90.4		21,812
25. To regulate fishing for salmon and sturgeon in certain sections of Columbia river, etc.	87,302	82.6	5,862	
26. Giving cities exclusive control of theaters, race tracks, etc., and of the sale of liquor subject to the local option law	91,788	86.8		12,904
27. To exempt all improvements, tools, livestock and furniture from taxation	92,937	87.9		28,805
28. Amendment providing for recall of elective officers	89,383	84.6	27,379	
29. To instruct legislature to elect candidates for United States senators receiving largest popular vote	90,830	85.9	48,506	
30. Amendment authorizing proportional representation, preferential ballot, etc.	82,996	78.5	14,740	
31. To limit campaign expenses and prevent corrupt practices in elections	85,343	80.7	22,741	
32. To prevent fishing for salmon and sturgeon in upper Columbia, except with hook and line	86,410	81.7	25,850	
33. Restoring grand jury and prohibiting indictments to be found otherwise	80,701	76.3	23,727	
34. To create Hood River County out of portion of Wasco County	70,726	66.9	17,170	

Average vote for four state officers and United States senator, 105,670; highest (United States senator), 112,364; lowest (railroad commissioner), 98,617; total number of electors voting, 116,614.

1910

35. To grant suffrage to women taxpayers	94,335	90.7		23,795
36. To authorize construction of an insane asylum in eastern Oregon	91,638	88.1	8,630	
37. To authorize a convention to revise the constitution	83,117	79.9		36,831

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
38. To create separate districts for each state senator and representative	78,252	75.3		30,252
39. To drop requirement that all taxation shall be equal and uniform	77,791	74.8		2,553
40. To authorize state construction of railroads	78,914	75.9		13,226
41. To provide that property may be specifically taxed	73,321	70.5		10,063
42. To increase the pay of a circuit judge in Eastern Oregon	84,664	81.4		58,342
43. Creating Nesmith County	83,457	80.3		37,725
44. To provide permanent support for Monmouth normal school	90,235	86.8	10,147	
45. Creating Otis County	79,442	76.4		44,590
46. To annex part of Clackamas County to Multnomah County	85,252	82.		52,752
47. Creating Williams County	78,598	75.6		49,582
48. To permit each county to adopt single tax and to abolish poll tax	86,298	83.	2,044	
49. To give cities and towns exclusive powers to control sale of liquors subject to local option law	104,100	100.1	2,542	
50. Employers' liability law for protection of laborers in hazardous occupation	90,201	86.8	22,315	
51. Creating Orchard County	78,376	75.4		47,048
52. Creating Clark County	77,317	74.4		46,091
53. To provide permanent support for normal school at Weston	87,099	83.8		5,303
54. To annex a portion of Washington County to Multnomah County	82,268	79.1		54,174
55. To provide permanent support for normal school at Ashland	87,128	83.8		10,182
56. To prohibit the manufacture and sale of liquor in Oregon	104,761	100.8		17,681
57. To prevent manufacture, sale, possession, exchange and giving away of liquor	106,215	102.2		20,913
58. To create commission to prepare bill to fix indemnity for injuries to employees	83,943	80.7		19,495
59. To prohibit fishing in Rogue River except with hook and line	83,109	79.9	16,315	
60. Creating DesChutes County	78,078	75.1		42,894

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
61. To provide for creation of new towns and counties by vote in such districts	79,456	76.4		5,198
62. To permit counties to go in debt for permanent roads	84,181	81.	18,369	
63. Authorizing presidential primaries	84,977	81.7	1,729	
64. To provide inspectors of government and for an official gazette	82,493	79.3		22,583
65. To provide for proportional representation in legislature and otherwise modifying its organization	81,397	78.3		7,335
66. Judiciary amendment to constitution authorizing verdict of three fourths of jury in civil cases and for affirmation of judgment on appeal, notwithstanding error committed in lower court	83,937	80.7	5,139	

Average vote for fourteen state officers and congressmen, 103,906; highest (governor), 117,690; lowest (water superintendent), 84,308; total number of electors voting, 120,248.

1912

67. To grant woman suffrage	118,369	92.1	4,161	
68. To create office of lieutenant governor	112,206	87.3		11,082
69. To permit specific taxation upon different classes of property	108,523	84.5		4,819
70. To require uniformity of taxation in each class of property specifically taxed	106,528	82.9		2,438
71. To repeal measure (adopted in 1910) permitting counties to regulate their own taxation	111,031	86.4	16,731	
72. To require majority of all electors voting for adoption of constitutional amendment	103,259	80.4		37,391
73. Imposing double liability on bank stockholders	104,719	81.5	61,243	
74. To give railroad commission jurisdiction over all public service corporations	106,941	83.2	25,029	
75. Creating Cascade County	97,702	76.		44,776
76. To create a single board of regents for state university and agricultural college and fixing tax levy for such institutions	105,980	82.5		8,578

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
77. To require majority of all electors voting for adoption of initiative measures	104,582	81.4		33,140
78. To permit counties to issue bonds to build permanent roads. (Grange bill)	106,412	82.8		7,014
79. To create a state highway department with engineer at $3,600 a year. (Grange hill)	107,718	83.8		59,974
80. Anticipating date hill regulating state printer becomes effective	104,335	81.2		34,749
81. To create office of hotel inspector	108,905	84.8		75,085
82. To make an eight-hour day on all public works	112,586	87.6	16,430	
83. To supervise selling stocks and bonds and to require a license therefor	106,058	82.6		8,528
84. To prohibit employment of state convicts by private agencies and to authorize their employment on public works	111,292	86.6	36,308	
85. To prohibit employment of city convicts by private agencies and authorizing their employment on public works	109,098	84.9	33,636	
86. To create a state hoard to issue bonds not exceeding a million a year to huild public roads. ("Harmony" bill)	106,487	82.9		44,693
87. To prohibit state from incurring indebtedness for road building in excess of 2 per cent of taxable property. ("Harmony" bill)	102,899	80.1	16,005	
88. To authorize counties to issue twenty-year bonds for road building, etc. ("Harmony" hill)	103,821	80.8		16,599
89. To prohibit counties from voting road bonds in excess of 2 per cent of assessed valuation. ("Harmony" hill)	101,116	78.7	13,400	
90. To provide for consolidating contiguous cities and towns	97,191	75.6		16,793
91. To provide for the taxation of incomes from whatever source derived	105,650	82.2		246
92. To exempt from taxation all household goods actually in use	112,183	87.3	8,531	

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
93. To exempt from taxation all debts of every kind except bank stock and banking capital	109,031	84.9		24,049
94. To revise inheritance tax laws, etc.	102,448	79.7		25,230
95. To fix percentage of freight rates on less than carload lots and to establish minimum weights and maximum freights	103,840	80.8	12,772	
96. To authorize county courts to sell bonds for roads when authorized by voters. ("Medford" road bill)	102,049	79.4		24,913
97. To abolish state senate; governor to introduce appropriation bills; proportional representation, etc. (U'Ren constitution)	102,203	79.6		40,163
98. To provide graduated taxes on franchises and natural resources and exempting improvements on land and personalty. (State-wide single tax)	113,549	88.4		50,481
99. To abolish capital punishment	106,529	82.9		22,627
100. To prohibit picketing or boycotting and inducing employees to quit work	110,386	85.9		10,734
101. To prohibit use of streets and public places for public discussion without written permit from mayor	111,519	86.8		13,545
102. To appropriate $328,258 for state university huildings	108,422	84.4		49,548
103. To appropriate $175,000 for library and museum for university	106,686	83.		52,066

Average vote for four state officers, presidential electors and congressmen and United States senator, 128,391; highest (presidential electors), 137,040; lowest (railroad commissioner), 118,348. Total number of electors voting, 144,113.

REFERENDUM ELECTION

1913

104. Repair fund for university of Oregon	97,259	16,059	
105. Appropriation for university buildings	96,583	10,555	

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
106. Sterilization law	95,086			11,552
107. County attorney act	92,338		16,020	
108. Workmen's compensation act	96,422		39,206	

Total number of votes cast, 102,276.

CITY OF PORTLAND

1905

1. To annex territory	9,962	73.1	638	
2. To annex territory	10,007	73.4	3,103	
3. To tax whole city for bridges	11,141	81.7	2,991	
4. To grant street railway franchise	10,124	74.3		1,886
5. To provide security for city funds	9,192	67.5	2,462	
6. To provide a clerk for police court	9,240	67.8	526	
7. To place penalty on delinquent assessments	9,039	66.4		939
8. To decrease cost of advertising	9,446	69.3	6,034	
9. To grant telephone franchise	13,773	101.	12,653	

Average vote cast for ten city officers, 13,624; highest (mayor), 14,689; average for five councilmen, lowest, 13,156.

1907

10. To issue water bonds	14,363	91.4	131	
11. To issue park and boulevard bonds	14,286	90.9	2,000	
12. To issue dock bonds	13,961	88.9	4,867	
13. To issue bridge bonds	14,440	91.9	9,304	
14. To issue bonds for fire boat and water mains	13,943	88.8	3,967	
15. To improve streets by districts	13,121	83.5	5,317	
16. To permit remonstrance of four-fifths of property owners to defeat street improvements	12,736	81.1	3,396	
17. To regulate sale of property for assessments	12,445	79.2	5,961	
18. To increase salary of city engineer	13,745	87.6		4,841
19. To increase salary of city attorney	13,750	87.6		5,950
20. To increase salary of city treasurer	13,654	86.9		4,980
21. To increase salary of police judge	13,678	87.1		2,804
22. To increase salaries of councilmen	13,905	88.5		6,395
23. To create office of sergeant of police	12,864	81.9	2,556	
24. To create free employment bureau	13,449	85.6	6,583	

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
25. To annex territory	11,950	76.1	3,996	
26. To create board of engineer examiners	13,172	83.8		1,790
27. To regulate electrical wiring	13,179	83.9		2,059
28. To grant franchise to gas company	13,915	88.6	3,385	
29. To increase liquor license fees	14,203	90.4	1,736	
30. To fix wholesale liquor license fees	13,599	86.6	4,389	

Average vote cast for eight city officers, 15,701; highest (mayor), 16,919; lowest (councilmen), 14,866.

1909

31. To adopt commission form of government	15,673	93.8		5,867
32. To levy cost of water mains on property benefited	14,824	88.8		6,806
33. To pay cost of water mains out of water fund	14,122	84.5	472	
34. To amend provisions for official advertising	14,581	87.3		3,785
35. To regulate electric wiring	14,989	89.7		1,943
36. To require franchise holders to keep books of account	14,746	88.3	5,858	
37. To amend section creating women's auxiliary of police	15,065	90.2	1,031	
38. To purchase warrants from any idle fund	14,470	86.6		2,904
39. To permit bank of $50,000 capital to apply for deposits	14,273	85.5	87	
40. To deposit funds upon open accounts	13,952	83.5		3,050
41. To take chief deputy engineer and others from civil service	14,151	84.7		2,777
42. Regulating discharge of employees in civil service	14,617	87.5	2,331	
43. To authorize deputy clerk in police court	14,610	87.5		3,806
44. To authorize auditor to act as clerk of viewers	14,241	85.3	3,999	
45. To withhold delivery of warrants till proof of prior liens is filed	14,048	84.1	3,320	
46. To require assurances of rededication on vacating streets	13,538	81.1	1,942	
47. To appropriate earth above street grades	14,202	85.	896	
48. To provide bonding assessments for street and sewer work	13,805	82.6	1,777	

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
49. To increase rate of interest on delinquent assessments	14,122	84.5		6,140
50. To provide that acceptance of improvements by city is conclusive as to character	13,505	80.9		667
51. To abolish water, park and health boards	14,322	85.7		1,590
52. To issue bonds for water mains	13,813	82.7	1,403	
53. To permit council to fix salary of city engineer	14,461	86.6		3,039
54. To permit council to fix salary of city treasurer	14,282	85.5		7,342
55. To permit council to fix salary of city attorney	14,491	86.8		7,371
56. To issue crematory bonds	15,481	92.7	7,999	
57. To issue Broadway bridge bonds	16,139	96.6	4,017	
58. To regulate electric poles, wires, etc.	14,597	87.4	1,673	
59. To transfer Hawthorne bridge to Market street	15,953	95.5		11,495
60. To issue Sherman street bridge bonds	15,499	92.8		9,017
61. To prohibit use of patented articles	14,885	89.1		9,415
62. To grant a corporation exclusive privilege of selling liquor for ten years	16,111	96.5		13,913
63. To create an excise board to control sale of liquor	15,559	93.2		9,233
64. To issue light and power bonds	15,723	94.1		3,645
65. To license vehicles	15,443	92.5		815

Average vote cast for seven city officers, 16,693; highest (mayor), 17,751; lowest (councilmen), 15,802.

SPECIAL ELECTION

	1910			
66. To issue dock bonds	27,076		10,466	
67. To issue bonds for water system	26,261		3,645	
68. To increase salary of city engineer	25,605			609
69. To increase salary of city attorney	25,439			1,531
	1911			
70. To issue Meade street bridge bonds	25,471	96.8		2,411
71 To levy tax for street cleaning fund	22,807	86.7	2,765	

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
72. To pension firemen	25,277	96.1		3,643
73. To increase city attorney's salary	24,080	91.5		2,926
74. To pension policemen	25,057	95.2		9,977
75. To issue bonds for municipal building	24,669	93.8	12,575	
76. To issue park bonds	24,674	93.8		10,522
77. To fill gulches out of special bridge fund	23,245	88.3	3,373	
78. To issue public auditorium bonds	24,686	93.8	3,144	
79. To issue bonds for garbage collecting system	24,119	91.7	5,497	
80. To increase salary of city engineer	23,807	90.5		99
81. To pension men in street cleaning department	24,550	93.3		14,542
82. To require two or more sets of plans for sewer work	23,116	87.9	6,956	
83. No seat no fare ordinance	25,736	97.8		8,308
84. To levy license tax on gross receipts of gas companies	24,206	92.	3,104	
85. To levy license tax on gross receipts of electric companies	23,923	90.9	2,817	
86. To create a public service commission	22,897	87.		485
87. To issue bonds for municipal paving plant	24,160	91.8		7,264
88. To prevent rights and interests of city from being divested	22,947	87.2	6,551	
89. To regulate fences and bill boards	24,631	93.6	5,623	
90. To authorize council to determine lowest bidder and select street improvement	22,597	85.9	1,139	
91. To prevent carrying of banners	24,872	94.5		8,380
92. To prevent boycotting	24,952	94.9		756

Average vote cast for ten city officers, 26,293; highest (mayor), 28,006; lowest (councilmen), 25,423.

SPECIAL ELECTION

	1912			
93. To adopt commission form of government	25,353			917
94. To issue bonds to buy Ross Island	25,449			15,043
95. To issue bonds for a South Portland bridge	25,444			9,362
96. To issue incinerator bonds	25,262			1,496
97. To issue park and boulevard bonds	25,271			6,047

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
98. To issue bonds for site of public auditorium	24,752			6,060
99. To vacate streets for public purposes	24,520		8,102	
100. To lengthen time for bonding street and sewer assessments	24,708		16,498	
101. To increase city attorney's salary	24,959			7,599
102. To increase city treasurer's salary	24,875			8,471
103. To increase city engineer's salary	25,056			6,000
104. To create office of city prosecutor	24,561			11,575
105. To bond street extension assessments	23,826		9,206	
106. To take police out of civil service	25,567			13,537
107. To levy general tax to pay water bonds when fund is short	24,287			7,063
108. To authorize city engineer to make street assessments	24,101		3,209	
109. To issue public market bonds	25,274			288
110. To create public service commission	24,248			7,796
111. To charge three cents toll for cars on bridges	24,905		9,711	
112. To indorse Greater Portland plans	24,198		8,206	
113. To grant electric company franchise	25,818		21,924	
114. To adopt a short charter creating commission government	24,655			17,489

SPECIAL ELECTION ON COMMISSION CHARTER AND NOMINATING OR PRIMARY ELECTION UNDER OLD CHARTER TO BE EFFECTIVE IF COMMISSION CHARTER FAILED TO CARRY

1913

115. To adopt the commission form of government	34,342	135.8	292	

Average vote cast for candidates for seven offices, 25,282; highest (mayor), 30,674; lowest (city attorney), 22,517.

REGULAR ELECTION

1913

116. To pension firemen	42,353	99.6	13,553	
117. To grant street railway franchise	40,236	94.6		10,502
118. To repeal railroad franchise	37,009	87.		5,125
119. To repeal railroad franchise	36,854	86.7		4,970
120. To issue bonds for a South Portland bridge	39,467	92.8		14,125

MEASURES VOTED ON	TOTAL VOTE ON MEASURE	PER CENT OF AVERAGE VOTE FOR OFFICERS	MAJORITY FOR	MAJORITY AGAINST
121. To issue incinerator bonds	38,954	91.6	6,812	
122. To pay part of street assessments by city	36,421	85.7		525
123. To issue bonds for parks and play grounds	39,183	92.2		7,621
124. To permit indeterminate sentences for violation of city laws	34,737	81.7	7,317	
125. To issue bonds for historical society building	38,113	89.6		17,597
126. To eliminate grade crossings	34,534	81.2	9,560	
127. To issue bonds to buy Council Crest Park	38,965	91.6		12,643
128. To authorize a common transportation terminal	33,775	79.4	9,055	
129. To retain public docks commission	35,630	83.8	10,544	

Average vote for six city officers, 42,494; highest (mayor), 45,521; lowest (commissioner), 41,456.

Note.—Thanks are due Mr. George A. Thacher for indispensable assistance in the compilation of these tables. They are compiled directly from the official returns as published by the secretary of state and the auditor of the city of Portland, and are believed to be more accurate than any other similar tables before published.

THE TECHNIQUE OF LEGISLATION

"The quality of the bills passed is a matter upon which it is impossible to adduce within reasonable limits any evidence other than individual judgment. This shall be my apology for offering my personal opinion based upon an examination of all the general laws of Oregon in force in 1910, in pursuance of the duty of compiling the official publication of the statutes, made under public authority in that year, that in all that pertains to the technique of draftsmanship, legislation passed under the initiative is markedly superior to the average of the statutes passed by the legislature. This superiority is not inherent, of course, but results naturally from the fact that these laws have mostly been drafted by a rather large committee of persons having a lively interest in the matter in hand and some practical knowledge of it, besides what knowledge they may have of the general requirements of legislation; and that the framers were aware that their measure once launched must go as it is, for better or worse."

MEASURES VERSUS MEN

"As a matter of fact it is much easier and requires much less knowledge and acumen to determine whether a proposed measure is what one wants to vote for than to make an equally well advised decision about a candidate. It is easier to tell whether the general purpose and intent of a measure is acceptable or not, and a month or two of hostile criticism—the only true test—is pretty likely to disclose any serious defects in detail. On the other hand the public is notoriously subject to be deceived as to the genuineness of a man's professions. What a man really represents is known only to him and his Maker, and his future conduct in detail under new and untried conditions is past finding out."

NSH # 22451

END OF
TITLE